

## **REMARKS**

Claims 1-17 are all the claims pending in the application.

### **I. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Emens et al. (US 6,463,343) in view of Perkins et al. (US 6,106,457).

Regarding claim 1, Applicants note that this claim has been amended to recite the feature of an image capture section operable to capture, according to the instruction provided by the input section, a display image that is to correspond to only a single particular navigation command, by cutting the display image out of a display screen outputted by the output section. Applicants respectfully submit that the combination of Emens and Perkins does not teach or suggest at least the above-noted feature recited in amended claim 1.

With respect to Emens, Applicants note that this reference discloses a method for controlling remote devices, such as home appliances, from a client computer using a digital image of the remote location at which the remote devices are located (see col. 2, lines 43-45 and the Abstract). For example, as shown in Fig. 2B of Emens, a live digital image 208 is generated by a video camera 116 and transmitted to a device server 104, wherein the live digital image 208 includes a light switch 202, a lamp 205, and a window shade 206 (see col. 5, lines 61-64).

As explained in Emens, while viewing the digital image 208 in a setup screen shown in Fig. 2C, the user is able to select areas of the digital image 208 in order to define “hot spots” 210 and 212, wherein the “hot spots” 210 and 212 correspond to the light switch 202 and the window shade 206, respectively (see Fig. 2C and col. 6, lines 3-7). In Emens, after assigning commands

to the “hot spots”, an operator is then provided with the ability to control the remote devices, such as the light switch 202 and the window shade 206 (see Figs. 2D through 2J).

For example, as shown in Fig. 2E, when a user passes the cursor over the image of the light switch 202, a control menu 216 for the light switch 202 is displayed within the live digital image (see col. 6, lines 23-28). As shown in Fig. 2E, the control menu 216 includes the commands that the user associated with the light switch 202 (i.e., “turn on” and “turn off”). After the control menu 216 appears, the operator may select one of the commands from the control menu 216 in order to control the remote device (see col. 6, lines 29-32).

In the Office Action, the Examiner has apparently taken the position that, in Emens, a display image is captured from the display screen (e.g., light switch 202) and is then made to correspond to a plurality of commands (e.g., “turn on” and “turn off”) (see Office Action at pages 2-3).

Applicants respectfully submit, however, that while Emens discloses the ability to select a display image (e.g., light switch 202) and associate commands therewith, that there is no disclosure or suggestion in Emens of an image capture section operable to capture, according to the instruction provided by the input section, a display image that is to correspond to only a single particular navigation command, by cutting the display image out of a display screen outputted by the output section, as recited in amended claim 1.

In view of the foregoing, Applicants submit that claim 1 is patentable over Emens, an indication of which is kindly requested.

Further, Applicants note that claim 1 also recites that the selection of the captured display

image by the user directly results in said command selector executing the single particular navigation command. In the Office Action, the Examiner has recognized that Emens does not disclose or suggest such a feature, but has applied the Perkins reference for such a feature (see Office Action at page 3).

With respect to Perkins, and in particular, the arguments presented in the amendment filed on March 27, 2008 with respect to this reference, Applicants note that the Examiner has stated that “applicant then makes assumptions as to Examiner’s position on how Perkins would deal with audio or annotation data”, that “Applicant’s claim is broader in that it simply requires that selecting the captured image directly results in executing a particular, *non-described*, command”, and that in Perkins, “a particular command is in fact executed” (see Office Action at page 5).

Regarding the Examiner’s above-noted comments, Applicants initially note that the “command” recited in claim 1 has been specified as being a “navigation” command. Further, Applicants note that if the assumptions made by Applicants on the Examiner’s position are incorrect, then the Examiner is kindly requested to explain in greater detail what position the Examiner is taking in setting forth the rejection.

In particular, Applicants note that if the rejection of claim 1 based on Perkins is maintained, then the Examiner is requested to explicitly identify the image in Perkins that is being relied upon as corresponding to the “captured display image” recited in claim 1, and the command in Perkins that is being relied upon as corresponding to the “single particular navigation command” recited in claim 1. That is, the Examiner is requested to identify the

“captured display image” in Perkins, the selection of which directly results a “single particular navigation command” being executed (see claim 1).

In this regard, with respect to the Examiner’s above-noted statement that in Perkins, “a particular command is in fact executed”, Applicants point out to the Examiner that claim 1 does not simply recite that a particular command is executed. Instead, as indicated above, claim 1 recites that the selection of the captured display image by the user directly results in said command selector executing the single particular navigation command. Applicants respectfully submit that Perkins does not disclose or suggest such a feature.

In particular, with respect to Perkins, Applicants note that this reference discloses the ability to create patient records that incorporate several different types of data, including image data, audio data, and annotation data (see col. 6, lines 33-39). As disclosed in Perkins, a patient record can include a predetermined number of captured images, along with corresponding audio data and/or annotation data (see col. 31, lines 40-46).

Based on the Examiner’s comments in the Office Action, it appears as though the Examiner is taking the position that the above-described ability in Perkins to store image data along with corresponding audio data and/or annotation data corresponds to the above-noted feature recited in claim 1 which indicates that “the selection of the captured display image by the user directly results in said command selector executing the single particular command”. Applicants respectfully disagree.

In particular, with respect to the patient record of Perkins, as shown in Fig. 43 of Perkins, Applicants note that such a patient record includes information such as the patient name, the

patient ID, various images of the patient (e.g., image 1 and image 2), as well as audio data (e.g., audio 1 and audio 2) and transcription data (see col. 35, lines 51-67). In Fig. 43, however, when the physician accesses a particular patient record on his/her computer, while image data is displayed along with audio icons and transcription data, the physician does not select one of the images which results in a single particular navigation command being executed. Instead, the images (e.g., image 1 and image 2) are merely displayed on the patient record for the physician's reference.

For example, if the physician wants to listen to the audio data that corresponds to a particular image, the physician does not select the image itself. Instead, as clearly shown in Fig. 43, and as explained in Perkins at col. 35, lines 57-67, the physician would click on the audio file (e.g., audio 1), which would then play back the audio associated with the corresponding image file (e.g. image 1).

Thus, while Perkins discloses the ability to create a patient record that stores image data along with corresponding audio data and/or annotation data, Applicants respectfully submit that Perkins does not disclose or in any way suggest that the selection of a captured display image by the user directly results in a command selector executing a single particular navigation command.

In view of the foregoing, Applicants respectfully submit that Perkins does not disclose, suggest or otherwise render obvious the above-noted feature recited in claim 1 which indicates that the selection of the captured display image by the user directly results in said command selector executing the single particular navigation command. Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claims 2-8, Applicants note that these claims depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claims 9 and 17, Applicants note that each of these claims recites the features of capturing, according to an instruction based on an input from a user, a display image that is to correspond to only a single particular navigation command, by cutting the display image out of a display screen, wherein the selection of the captured display image directly results in said executing of the single particular navigation command.

For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that Emens and Perkins do not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants respectfully submit that claims 9 and 17 are patentable over Emens, an indication of which is kindly requested.

Regarding claims 10-16, Applicants note that these claims depend from claim 9 and are therefore considered patentable at least by virtue of their dependency.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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